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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

RODNEY MIEARS and MARIAN MIEARS, husband and wife,) Plaintiff, vs. SYSCO MONTANA, INC.) Civil Action No. 18-CV-225-F PLAINTIFFS' EXPERT WITNESS DESIGNATION Defendant.
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COME NOW the Plaintiffs, by and through their counsel, Stinson Law Group, P.C., and Keegan, Krisjansons, & Miles, P.C., and pursuant to the Court's Pretrial Order [Doc. 8] and the Court's Order Extending Expert Designation Deadlines [Doc. 13], hereby provides the following Expert Witness Designations:

RETAINED EXPERTS

1. Jeffery K. Ball, Ph.D., P.E., Veritech Consulting Engineering, LLC, Two Oak Park Plaza, Ste. 200, Castle Rock, CO 80104, (303) 660-4395. Mr. Ball is an engineer and accident reconstruction expert. Mr. Ball's Report in this matter, CV, Prior Testimony, and Fee Schedule are attached as *Exhibit 1*, and incorporated herein by reference.
2. Whitney G. Morgan, Motor Carrier Safety Consulting, Inc., P.O. Box 531195, Birmingham, Alabama 35253-1195, (205) 871-4455. Mr. Morgan is a state and federal motor carrier regulations compliance and safety consultant and expert. Mr. Morgan's Report in this matter, CV, Prior Testimony, and Fee Schedule are attached as *Exhibit 2*, and incorporated herein by reference.
3. Regg L. Gibbs, MS, CRC, LCPC, CBIS, FIALCP, Rocky Mountain Rehab, P.C., P.O. Box 20253, Billings, MT 59104. Mr. Gibbs is a vocational rehabilitation and life care planning expert. Mr. Gibbs' Report in this matter, CV, Prior Testimony, and Fee Schedule are attached as *Exhibit 3*, and incorporated herein by reference.
4. Tyler J. Bowles, Ph.D, CPA, Tyler J. Bowles & Associates, LLC, 4856 West 100 South, Weston, ID 83286 (435) 512-0707. Mr. Bowles is a Certified Public Accountant and forensic economics consultant. Mr. Bowles' Report in this matter, CV, Prior Testimony, and Fee Schedule are attached as *Exhibit 4*, and incorporated herein by reference.

NON-RETAINED EXPERTS

1. Aaron Brown, M.D., West Park Hospital (now Cody Regional Health), 707 Sheridan Avenue, Cody, WY 82414, (307) 527-7501. Dr. Brown treated the Plaintiff in the emergency room and has information related to the Plaintiff's injuries, care and treatment. If called, Dr. Brown will testify to his records and consistent with his records. Those records have been disclosed pursuant to Rule 26.1 within the litigation and any additional records will likewise be supplemented.

2. Janet MacLennan, OTR/L, CLT, Alternative Specialties, LLC, 317 Trout Peak Drive, Cody, WY 82414, (307) 578-6890. Ms. MacLennan provided occupational therapy to the Plaintiff and has information related to his injuries as a result of the crash. Ms. MacLennan will testify to her records and consistent with her records, including diagnosis and prognosis stemming therefrom. Those records have been disclosed pursuant to Rule 26.1 within the litigation and any additional records will likewise be supplemented.

3. Stephen Emery, M.D., 720 Lindsay Lane, Suite C, Cody, WY 82414, (307) 578-2180. Dr. Emery has information related to his care and treatment of the Plaintiff as well as his evaluation of his disability. Dr. Emery is an orthopedic surgeon. Dr. Emery will testify to his records and consistent with his records, including diagnosis and prognosis stemming therefrom. Those records have been disclosed pursuant to Rule 26.1 within the litigation and any additional records will likewise be supplemented. Dr. Emery evaluated Rodney Miears and formed the medical conclusion that Mr. Miears was physically incapable of performing his job as a Wyoming Highway Patrol and

was therefore medically disabled. Dr. Emery then referred Mr. Miears to Dr. Schmidt for a second opinion. Dr. Emery will testify to these facts. Dr. Emery will testify that, based on his experience and training, Mr. Miears physical function is unlikely to improve and that surgery cannot likely fix the pain and limitations suffered by Mr. Miears. Dr. Emery will testify that the condition and physical functioning of Mr. Miears is unlikely to improve given the chronic nature of the injury and more likely than not function will decline as he ages. Dr. Emery will testify that he referred Mr. Miears to Dr. Kalkowski, that he has reviewed the records of Dr. Kalkowski, and that chiropractic care is appropriate. Dr. Emery has also reviewed the records of Dr. Schmidt and the Functional Capacity Evaluation. It is expected that Dr. Emery will testify to refute any allegation that Mr. Miears symptomatology, patho-physical dysfunction, and/or disability stem from any incident other than the crash with the Sysco Montana tractor-trailer. Dr. Schmidt will further testify to his credentials, training, experience, and education, including his three plus decades of delivering orthopedic care to individuals harmed by traumatic events.

4. Vince Kalkowski, D.C., Kalkowski Chiropractic Center, 1408 17th Street, Cody, WY 82414, (307) 587-1500. If called, Dr. Kalkowski is expected to testify as to the information and opinions stated in his medical records and consistent with his September 23, 2019 deposition. Dr. Kalkowski will further testify that his chiropractic conclusion is that Mr. Miears physical function is unlikely to

improve and that the condition and physical functioning of Mr. Miears is likely to decline as he ages.

5. Frank Schmidt, M.D., Cody Regional Health, 720 Lindsay Lane, Suite C, Cody, WY 82414, (307) 578-2180. Dr. Schmidt is an orthopedic surgeon in Cody, Wyoming. Dr. Schmidt will testify to his records and consistent with his records, including diagnosis and prognosis stemming therefrom. Those records have been disclosed pursuant to Rule 26.1 within the litigation and any additional records will likewise be supplemented. At the request of Dr. Emery, Dr. Schmidt evaluated Rodney Miears and formed the medical conclusion that Mr. Miears was physically incapable of performing his job as a Wyoming Highway Patrol and was therefore medically disabled. Dr. Schmidt will testify to the same. Dr. Schmidt will further testify that his medical conclusions are that Mr. Miears physical function is unlikely to improve; that Mr. Miears is not a surgical candidate; that surgery cannot likely fix the pain and limitations experience by Mr. Miears; and that the condition and physical functioning of Mr. Miears is likely to decline as he ages. Dr. Schmidt will testify that he has reviewed the records of Dr. Kalkowski, Dr. Emery, and the Functional Capacity Evaluation, and that those records are consistent with his conclusions. It is expected that Dr. Schmidt will testify to refute any allegation that Mr. Miears symptomatology, patho-physical dysfunction, and/or disability stem from any incident other than the crash with the Sysco Montana tractor-trailer. Dr. Schmidt will further testify to his credentials, training, experience,

and education, including his three plus decades of delivering orthopedic care to individuals harmed by traumatic events.

6. Troy Fulton, MS, PT, Powell Valley Healthcare, 469 Mountain View Street, Powell, WY 82435 (307) 754-1235. Mr. Fulton performed a Functional Capacity Evaluation and has information related to Mr. Miears' health status. Mr. Fulton will testify to his records and consistent with his records, including diagnosis and prognosis stemming therefrom. Those records have been disclosed pursuant to Rule 26.1 within the litigation and any additional records will likewise be supplemented.

7. Bill S. Rosen, M.D, PC, Physical Medicine and Rehabilitation, P.O. Box 5124, Missoula, Montana, 59801, (406) 721-2344. Dr. Rosen is a physiatrist who specializes in non-surgical rehabilitation, pain management, and developing and implementing care plans to restore, as possible, pre-morbidity function to individuals injured by trauma, such as Mr. Miears. Mr. Miears is scheduled to see Dr. Rosen in mid-October. Medical records and other documentation related to Dr. Rosen's evaluation and treatment of Mr. Miears will be provided through supplementation to self-executing discovery upon receipt.

8. Ashley Skates, MSW, LCSW, Alliance Christian Counselling, LLC, 337 Roberts St., Cody, WY 82414, (307) 250-6309. Mr. Miears recently began seeing Ms. Skates for counseling and treatment for the depression and emotional trauma he has suffered since the crash with the Sysco Montana tractor-trailer. Ms. Skates will testify to her records and consistent with her

records, including her diagnosis and treatment plan stemming therefrom. Those records have been disclosed pursuant to Rule 26.1 within the litigation and any additional records will likewise be supplemented.

9. Lt. Phil Farman, Wyoming Highway Patrol, 1130 Sheridan Avenue #110, Cody, WY 82414, (307) 587-9729. Lt. Farman completed the Investigator's Traffic Crash Report from June 15, 2015, and has information related to the crash. If called, Lt. Farman is expected to testify as to the information and opinions stated in the June 15, 2015 Crash Report and his September 24, 2019 deposition.

10. Trooper Scott A. Carey, Wyoming Highway Patrol, 10 E. Brundage Lane, Sheridan, WY 82801, (307) 674-2300. Trooper Carey prepared the diagram for the Traffic Crash Report. If called, it is expected he would testify consistent therewith.

NOTE REGARDING ALL EXPERTS

- A. Counsel must coordinate depositions in advance and depositions should be taken on the day and at the time set aside for that purpose.
- B. It is expected that each expert will make themselves available for deposition in the city of their primary business address.
- C. It is expected that all experts require pre-payment for their deposition and deposition preparation time at their scheduled rate.
- D. It is further expected that all experts will testify consistent with their depositions, if taken.

E. Each expert reserves the right to modify, alter, amend, or supplement their opinion as additional or new information becomes known through discovery investigation.

F. Each expert reserves the right to use models or diagrams or displays in their testimony.

NOTE FOR NON-RETAINED EXPERTS

The records and/or reports in possession of Stinson Law group, P.C., have previously been provided to opposing counsel via routine self-executing discovery, supplementation of self-executing discovery, or exchanged discovery. In the event additional records and/or reports are identified and/or discovered, the same will be supplemented without request. Additionally, any reports and/or records from subsequent care, if any, will be supplemented.

Plaintiff anticipates that non-retained medical care givers will testify as to their:

- Medical records;
- Treatment;
- Care plan, if any;
- Diagnosis, if any;
- Prognosis, if any;
- Etiology (causation) of injury;
- Need, if any, for future care;
- Any other matter relevant to their care and treatment.

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DATED this 3rd day of October 2019.

Stinson Law Group, P.C.

By: /s/ Laurence W. Stinson
Laurence W. Stinson

**Keegan, Krisjansons &
Miles, P.C.**

By: /s/ Thomas P. Keegan
Thomas P. Keegan

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 3rd day of October 2019, a true and correct copy of the foregoing was served to the following at the indicated address by:

- | | |
|---|---|
| <input type="checkbox"/> Hand Delivery | <input type="checkbox"/> U.S.P.S., postage pre-paid |
| <input type="checkbox"/> Facsimile | <input type="checkbox"/> Certified U.S.P.S., postage pre-paid |
| <input type="checkbox"/> Electronic Service | <input checked="" type="checkbox"/> CM/ECF |

Jeff S. Meyer
Schwartz, Bon, Walker & Studer, LLC
141 S. Center St., Ste 500
Casper, WY 82601

/s/ Laurence W. Stinson
Laurence W. Stinson